

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86321608
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86321608/large
LITERAL ELEMENT	PYROWAVE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_381003516-20150806161540211773_._PYROWAVE_ - Request for Reconsideration.pdf
CONVERTED PDF FILE(S) (21 pages)	\\TICRS\EXPORT16\IMAGEOUT16\863\216\86321608\xml7\RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\216\86321608\xml7\RFR0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\216\86321608\xml7\RFR0004.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\216\86321608\xml7\RFR0005.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\216\86321608\xml7\RFR0006.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\216\86321608\xml7\RFR0007.JPG
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	\\TICRS\EXPORT16\IMAGEOUT16\863\216\86321608\xml7\RFR0017.JPG
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	\\TICRS\EXPORT16\IMAGEOUT16\863\216\86321608\xml7\RFR0020.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\216\86321608\xml7\RFR0021.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\216\86321608\xml7\RFR0022.JPG
DESCRIPTION OF EVIDENCE FILE	Applicant's request for reconsideration regarding the Examining Attorney's final refusal under Section 2(d) of the Lanham Act, including Exhibit A.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/David M. Perry/
SIGNATORY'S NAME	David M. Perry
SIGNATORY'S POSITION	Attorney of Record, PA Bar Member
DATE SIGNED	08/06/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Aug 06 16:26:53 EDT 2015
TEAS STAMP	USPTO/RFR-38.100.35.16-20 150806162653396036-863216 08-5402822dbbb2b7eef31f52 297623875bdf16cbb70dc10e9 3d14a684e773e-N/A-N/A-201 50806161540211773

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **86321608** PYROWAVE(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86321608/large>) has been amended as follows:

EVIDENCE

Evidence in the nature of Applicant's request for reconsideration regarding the Examining Attorney's final refusal under Section 2(d) of the Lanham Act, including Exhibit A. has been attached.

Original PDF file:

[evi_381003516-20150806161540211773 . PYROWAVE - Request for Reconsideration.pdf](#)

Converted PDF file(s) (21 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

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[Evidence-9](#)

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[Evidence-15](#)

[Evidence-16](#)

[Evidence-17](#)

[Evidence-18](#)

[Evidence-19](#)

[Evidence-20](#)

[Evidence-21](#)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /David M. Perry/ Date: 08/06/2015

Signatory's Name: David M. Perry

Signatory's Position: Attorney of Record, PA Bar Member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian

attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86321608

Internet Transmission Date: Thu Aug 06 16:26:53 EDT 2015

TEAS Stamp: USPTO/RFR-38.100.35.16-20150806162653396

036-86321608-5402822dbbb2b7eef31f5229762

3875bdf16cbb70dc10e93d14a684e773e-N/A-N/

A-20150806161540211773

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Lonza Walkersville, Inc.
SERIAL NO.: 86/321,608
TRADEMARK: PYROWAVE
FILING DATE: June 26, 2014
CLASS: 009
To: Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
Attn: Betty Chang, Esq.
Trademark Examining Attorney
Law Office 115

RESPONSE TO OFFICE ACTION DATED FEBRUARY 25, 2015

In an Office Action dated February 25, 2015, the Examining Attorney made final her refusal to register the above-referenced applicatiob under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d). In response, Applicant submits the following response in support of registration. A Notice of Appeal is filed concurrently herewith.

I. NO LIKELIHOOD OF CONFUSION

The Examining Attorney has maintained her refusal to register Applicant's mark, PYROWAVE, because she considers it to be confusingly similar to the mark, WAVE, represented in U.S. Registration No. 2,276,525. Based on the following analysis,

Applicant respectfully requests the Examining Attorney to withdraw the preliminary refusal and pass Applicant's mark on to publication.

A. The Appearances, Sounds and Commercial Impressions of the Marks are Different

In comparing the overall commercial impressions of Applicant's mark, PYROWAVE, and Registrant's mark, WAVE, the Examining Attorney relies upon the fact that the marks both contain the term "WAVE," and indicates that the "PYRO-" portion of Applicant's mark is to be given little weight because it "describes a type of endotoxin the goods are used to detect and quantitate." Applicant submits that such an analysis ignores significant differences between the marks, inappropriately dismisses distinctive content in Applicant's mark, and misapplies trademark precedent. As set forth below, the distinctions between them are more than adequate to create different commercial impressions in the eyes of the relevant consumers.

Ultimately, Applicant's mark is not likely to be confused with the cited mark because the marks in their entirety possess completely different appearances, sounds and commercial impressions. See *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361 (C.C.P.A. 1973); see also *In re Rocktron Corporation*, 1999 T.T.A.B. LEXIS 504, at *2-3 (T.T.A.B. Aug. 31, 1999) (marks

to be considered in their entirety, not side by side); *In re Bigelow, Inc.*, 199 U.S.P.Q. 38, 40 (T.T.A.B. 1978) (each case to be decided on basis of all relevant factors).

1. Appearance and Commercial Impression

As stated by the Court of Customs and Patent Appeals, "[i]t is axiomatic that a mark should not be dissected and considered piecemeal; rather, it must be considered as a whole in determining likelihood of confusion." *Franklin Mint Corp. v. Master Mfg. Co.*, 667 F.2d 1005, 1007 (C.C.P.A. 1981). No feature of a mark is to be ignored. *In re Electrolyte Labs., Inc.*, 929 F.2d 645, 647 (Fed. Cir. 1990) (K+ and K+EFF not likely to be confused. Here, the Examining Attorney not only improperly dissects Applicant's mark into its individual components, PYRO and WAVE, but further submits that the WAVE portion alone is sufficient to render the marks confusingly similar. Such an interpretation fails to consider the marks as a whole in contradiction of established case precedent. Indeed, the PYROWAVE mark is a unitary mark composed of two distinctive terms that create a very unique impression - one that is sufficiently different than the WAVE mark - on the consumer. Indeed, neither PYRO nor WAVE are merely descriptive of Applicant's goods and are thus distinctive components of the mark that should be given equal weight in the confusion analysis.

Contrary to the Examining Attorney's position, the "PYRO" portion of Applicant's mark is neither merely descriptive of Applicant's goods nor a weak component of Applicant's mark. The Examining Attorney cites one website defining the term "pyrogen" as a "fever-producing substance." The Examining Attorney also cites a definition of the term "endotoxin," which explains that an endotoxin can be pyrogenic. Based upon this exceedingly paltry evidence, the Examining Attorney arrives at the conclusion that the term "PYRO-" describes Applicant's goods because it describes a type of endotoxin that the goods are used to detect. Such can hardly be the basis for a finding that a term is merely descriptive, much less that it should be dissected from a distinctive, unitary mark and given no weight in the likelihood of confusion analysis. The Examining Attorney's treatment of the term "PYRO" in this context is completely unfounded.

Applicant has designated the following goods in the present application: "instrumentation used for the detection and quantitation of endotoxin in pharmaceutical injectables and raw materials, research samples, medical devices, and other sample types." The goods, at their core, are instrumentation and devices. That they may be used to detect and quantify an endotoxin, which may be pyrogenic, is not controlling in the analysis, nor does it mean that the term "PYRO-" is *merely*

descriptive of the goods. It simply does not, and cannot, describe Applicant's testing instrumentation. As such, the Examining Attorney's position that the "PYRO-" portion of the mark should be given little weight, notwithstanding the fact that such a position improperly dissects Applicant's distinctive mark, is improper. The "PYRO-" portion of Applicant's PYROWAVE mark is more than capable of distinguishing it from the cited WAVE mark.

2. Sound

The Examining Attorney makes no argument that the marks are similar based upon their respective pronunciations. This is not surprising, as it is exceedingly obvious that Applicant's PYROWAVE mark is pronounced differently than the word "WAVE," as it contains the lettering "P-Y-R-O" at the beginning, which makes up half of the mark. In fact, the PY' portion receives the weight of the accentuation of Applicant's mark, leaving WAVE a distant third syllable.

Because "the similarity or dissimilarity of the marks in their entirety as to appearance, sound, connotation and commercial impression" must be considered, Applicant submits that no such confusion is likely. See *In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361.

B. Other Registered "PYRO-" Formative Marks Negate Likelihood of Confusion

Notwithstanding the above, there are numerous similar combinations of marks on the Principal Register that are and have been capable of coexisting, whereby one of the marks contains a random term, and the other contains the same term with the prefix "PYRO-." Examples of such marks are set forth in the table below. See Exhibit A for copies of the registration certificates for each mark set forth below.

Mark	Reg. No.	Owner	Goods/Services
PYROSPY	3,866,598	Albert Orglmeister	Security and monitoring apparatus for reporting images, sound and data, namely video cameras and video monitors, for break-in, fire and video monitoring and for access control, <i>inter alia</i> (Class 9)
SPY & Design	3,974,746	JAH Innovations Inc.	Electronic monitoring device comprised of transmitters, receivers and microprocessors for monitoring the location and actions of people and property, <i>inter alia</i> (Class 9)
PYROFREEZE	3,674,030	Global Fire & Tech, Inc.	Fire extinguishing apparatus (Class 9)
FREEZE & Design	3,503,510	American Thermal Instruments, Inc.	Temperature indicators; temperature sensors (Class 9)
PYROTRONICS	1,860,278	Siemens Industry, Inc.	Electrical warning sensors and alarms parts therefor, and

			computer software for controlling such (Class 9)
TRONICS & Design	4,553,790	Tronic's Microsystems S.A.	Electronic components, namely, seismic sensors, pressure sensors; microsensors, <i>inter alia</i> (Class 9)
PYROFLASH	1,666,468	Le Maitre Limited Corp.	Control panels and remote electrical firing boxes (Class 9)
FLASH	2,895,204	Nexant, Inc.	Computer application software for computation, modeling and analysis of electric power generation and transmission fault levels and breaker duties, <i>inter alia</i> (Class 9)
PYRO SCAN	4,491,323	Winco Fireworks International, LLC	Bar code scanners for fireworks (Class 9)
SCAN & Design	4,606,392	Scan, Inc.	Computer software for scanning or reading a code, namely, a quick response (QR) code, bar code (Class 9)

All of these combinations of marks are similar to Applicant's and Registrant's marks in that they each contain a term, for example, FLASH or SCAN, and one includes the prefix "PYRO-" before the common term. For example, PYROSPY is registered on the Principal Register alongside SPY & Design. Notably, the PYROSPY mark is registered in connection with

security and monitoring apparatus, while SPY & Design is registered in connection with electronic monitoring devices. In sum, the goods are identical. Applicant can discern no reason why PYROSPY and SPY & Design registered in connection with the same goods are capable of coexisting, while Applicant's PYROWAVE mark cannot do the same with Registrant's WAVE mark. At a minimum, the marks above support Applicant's position that the term "PYRO" is more than capable of distinguishing a PYRO-formative mark from one containing only the other, common element.

For at least these reasons, Applicant submits that confusion between its PYROWAVE mark and the cited WAVE mark is simply not likely.

C. The Extent of Potential Confusion is de minimis

Where the scope and extent of any potential likelihood of confusion is *de minimis*, as opposed to substantial, there can be no support for a refusal pursuant to Section 2(d) of the Lanham Act. See *In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361

Accordingly, Applicant respectfully submits that where, as here, the marks are sufficiently distinguishable, there can be little doubt that any likelihood of confusion is *de minimis*. There is certainly no evidence to support the likelihood alleged by the Examining Attorney.

II. CONCLUSION

In the final analysis, it is convincingly clear that there exists no likelihood of confusion between Applicant's and Registrant's marks.

As all of the concerns of the Examining Attorney have been satisfied, Applicant respectfully requests that the subject mark be published for opposition.

* * * * *

EXHIBIT A

United States of America

United States Patent and Trademark Office

PYROspy

Reg. No. 3,866,598

Registered Oct. 26, 2010

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

ALBERT ORGLMEISTER (FED REP GERMANY INDIVIDUAL)
IRISWEG 6
D-65396 WALLUF, FED REP GERMANY

FOR: APPARATUS, INSTRUMENTS AND INSTALLATIONS, NAMELY, TEMPERATURE INDICATORS AND TEMPERATURE SENSORS, FOR TEMPERATURE MEASURING AS WELL AS FOR THE REGULATING AND CONTROL OF THERMAL INSTALLATIONS, AND FOR FIRE DETECTION AND FIRE FIGHTING; FIRE-EXTINGUISHING APPARATUS; FIRE-EXTINGUISHING INSTALLATIONS, NAMELY, FIRE-EXTINGUISHING SYSTEMS; SECURITY AND MONITORING APPARATUS FOR REPORTING IMAGES, SOUND AND DATA, NAMELY, VIDEO CAMERAS AND VIDEO MONITORS, FOR BREAK-IN, FIRE AND VIDEO MONITORING AND FOR ACCESS CONTROL, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY CLAIMED UNDER SEC. 44(D) ON ERPN CMNTY TM OFC APPLICATION NO. 008616741, FILED 10-15-2009, REG. NO. 008616741, DATED 4-5-2010, EXPIRES 10-15-2019.

THE WORDING "PYROSPY" HAS NO MEANING IN A FOREIGN LANGUAGE.

SER. NO. 77-850,648, FILED 10-16-2009.

ANDREW RHIM, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



SPY

Reg. No. 3,974,746

Registered June 7, 2011

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

JAH INNOVATIONS INC. (GEORGIA CORPORATION)
1170 PEACHTREE STREET, SUITE 1200
ATLANTA, GA 30309

FOR: ELECTRONIC MONITORING DEVICE COMPRISED OF TRANSMITTERS, RECEIVERS AND MICROPROCESSORS FOR MONITORING THE LOCATION AND ACTIONS OF PEOPLE AND PROPERTY; ELECTRONIC TRACKING DEVICE COMPRISED OF TRANSMITTERS, RECEIVERS AND MICROPROCESSORS FOR TRACKING THE LOCATION AND ACTIONS OF PEOPLE AND PROPERTY, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 8-15-2010; IN COMMERCE 8-15-2010.

SN 76-660,378, FILED 5-22-2006.

KELLEY WELLS, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Int. Cls.: 9 and 45

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, and 101

United States Patent and Trademark Office

Reg. No. 3,674,030

Registered Aug. 25, 2009

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

pyrofreeze

GLOBAL FIRE & TECH, INC. (CALIFORNIA
CORPORATION)
13737 AMARILLO AVE.
CHINO, CA 91710

FIRST USE 2-1-2007; IN COMMERCE 2-1-2007.

FOR: FIRE EXTINGUISHING APPARATUS, IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FIRST USE 2-1-2007; IN COMMERCE 2-1-2007.

SN 77-461,699, FILED 4-30-2008.

FOR: FIRE FIGHTING SERVICE, IN CLASS 45
(U.S. CLS. 100 AND 101).

BILL DAWE, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 3,503,510

United States Patent and Trademark Office

Registered Sep. 23, 2008

**TRADEMARK
PRINCIPAL REGISTER**



AMERICAN THERMAL INSTRUMENTS, INC.
(DELAWARE CORPORATION)
9 HUFFMAN AVE.
DAYTON, OH 45403

THE MARK CONSISTS OF THE MARK CONSISTS
OF THE WORD "FREEZE" WITH A CHECK SYM-
BOL TRAILING.

FOR: TEMPERATURE INDICATORS; TEMPERA-
TURE SENSORS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36
AND 38).

SER. NO. 77-053,375, FILED 11-29-2006.

FIRST USE 8-28-2006; IN COMMERCE 8-28-2006.

JILL C. ALT, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21 and 38

United States Patent and Trademark Office

Reg. No. 1,860,278

Registered Oct. 25, 1994

**TRADEMARK
PRINCIPAL REGISTER**

PYROTRONICS

CERBERUS AG (SWITZERLAND CORPORATION)
ALTE LANDSTRASSE 411
8708 MANNEDORF, SWITZERLAND

FOR: ELECTRICAL WARNING SENSORS
AND ALARMS PARTS THEREFOR, AND COM-
PUTER SOFTWARE FOR CONTROLLING
SUCH, IN CLASS 9 (U.S. CLS. 21 AND 38).

FIRST USE 1-0-1951; IN COMMERCE
1-0-1951.

OWNER OF U.S. REG. NO. 1,459,911.

SN 74-283,197, FILED 6-9-1992.

ALAN ATCHISON, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

tronics 

Reg. No. 4,553,790

Registered June 24, 2014

Int. Cls.: 9 and 42

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

TRONIC'S MICROSYSTEMS (FRANCE SOCIÉTÉ ANONYME)
98, RUE DU PRÉ DE L'HORME
F-38920 CROLLES
FRANCE

FOR: ELECTRONIC COMPONENTS, NAMELY, MEMS (MICRO-ELECTRO-MECHANICAL SYSTEMS) COMPONENTS USED IN ELECTRONIC EQUIPMENT, NAMELY, ACCELEROMETERS, SEISMIC SENSORS, GYROMETERS, MAGNETOMETORS, AND PRESSURE SENSORS; MICROSENSORS, NAMELY, ACCELEROMETERS, GYROSCOPES AND SEISMIC TRANSDUCERS; MICROSWITCHES, NAMELY, REED RELAY SWITCHES, RADIO FREQUENCY SWITCHES, CURRENT SWITCHES AND OPTICAL SWITCHES; RF MEMS CIRCUITS; RF CIRCUITS, NAMELY, PHASE SHIFTERS, PHASED ARRAY ANTENNAS, FILTER BANKS AND SWITCH MATRICES; MICROFLUIDIC COMPONENTS, NAMELY, MICRO-PUMPS, MICRO-VALVES AND MICRO-NEEDLES; OPTICAL MEMS, NAMELY, OPTICAL SWITCHES AND INTERFEROMETERS; AND ELECTRONIC CIRCUITS ASSOCIATED WITH ALL THESE COMPONENTS, AND SPECIFICALLY EXCLUDING ELECTRICAL CONNECTORS, ELECTRIC CABLES AND ELECTRICAL JUNCTION BOXES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: DESIGN AND DEVELOPMENT OF ELECTRONIC COMPONENTS; DESIGN, ENGINEERING, RESEARCH AND DEVELOPMENT, PROCESS DEVELOPMENT AND CONSULTING IN THE FIELD OF ELECTRONIC COMPONENTS, NAMELY, MEMS (MICRO-ELECTRO-MECHANICAL SYSTEMS) COMPONENTS USED IN ELECTRONIC EQUIPMENT, NAMELY, ACCELEROMETERS, SEISMIC SENSORS, GYROMETERS, MAGNETOMETORS, AND PRESSURE SENSORS, MICROSENSORS, NAMELY, ACCELEROMETERS, GYROSCOPES AND SEISMIC TRANSDUCERS, MICROSWITCHES, NAMELY, REED RELAY SWITCHES, RADIO FREQUENCY SWITCHES, CURRENT SWITCHES AND OPTICAL SWITCHES, RF MEMS CIRCUITS, RF CIRCUITS, NAMELY, PHASE SHIFTERS, PHASED ARRAY ANTENNAS, FILTER BANKS AND SWITCH MATRICES, MICROFLUIDIC COMPONENTS, NAMELY, MICRO-PUMPS, MICRO-VALVES AND MICRO-NEEDLES, OPTICAL MEMS, NAMELY, OPTICAL SWITCHES AND INTERFEROMETERS, AND ELECTRONIC CIRCUITS ASSOCIATED WITH ALL THESE COMPONENTS, BUT SPECIFICALLY EXCLUDING ELECTRICAL CONNECTORS, ELECTRIC CABLES AND ELECTRICAL JUNCTION BOXES, IN CLASS 42 (U.S. CLS. 100 AND 101).



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

PRIORITY DATE OF 9-27-2012 IS CLAIMED.

Int. Cls.: 9 and 13

Prior U.S. Cls.: 9, 21 and 26

United States Patent and Trademark Office

Reg. No. 1,666,468

Registered Dec. 3, 1991

**TRADEMARK
PRINCIPAL REGISTER**

PYROFLASH

LE MAITRE LIGHTING & EFFECTS LIMITED
(UNITED KINGDOM CORPORATION)
316 PURLEY WAY
CROYDON, SURREY CRO 4XJ, UNITED KING-
DOM

FOR: CONTROL PANELS AND REMOTE
ELECTRICAL FIRING BOXES, IN CLASS 9
(U.S. CLS. 21 AND 26).

FIRST USE 7-15-1977; IN COMMERCE
11-0-1978.

FOR: EXPLOSIVES, FIREWORKS, DETONA-
TORS, FUSES FOR EXPLOSIVES AND FIRE-
WORKS; PYROPHORIC AND PYROTECHNIC

POWDERS, FLUIDS AND SOLIDS; MORTARS,
THUNDERFLASHES AND FLARES; PLAT-
FORMS, CONTAINERS, SUPPORTS AND
HOLDERS FOR FIREWORKS; AND REMOTE
ELECTRICAL FIRING BOXES AND CONTROL
PANELS PACKAGED TOGETHER FOR SUCH
GOODS, IN CLASS 13 (U.S. CLS. 9, 21 AND 26).
FIRST USE 7-15-1977; IN COMMERCE
11-0-1978.

SER. NO. 73-835,413, FILED 11-1-1989.

DAVID C. REIHNER, EXAMINING ATTOR-
NEY

Int. Cls.: 9, 35 and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101 and 102

Reg. No. 2,895,204

United States Patent and Trademark Office

Registered Oct. 19, 2004

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

FLASH

NEXANT, INC. (DELAWARE CORPORATION)
101 SECOND STREET, 11TH FLOOR
SAN FRANCISCO, CA 941053672

FOR: COMPUTER APPLICATION SOFTWARE
FOR COMPUTATION, MODELING AND ANALY-
SIS OF ELECTRIC POWER GENERATION AND
TRANSMISSION FAULT LEVELS AND BREAKER
DUTIES, FOR USE IN THE ENERGY INDUSTRY IN
THE PLANNING, OPERATION AND CONTROL OF
ELECTRIC POWER NETWORKS, IN CLASS 9 (U.S.
CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-1-2001; IN COMMERCE 5-1-2001.

FOR: BUSINESS INFORMATION AND CON-
SULTING SERVICES, NAMELY, PROVIDING BUSI-
NESS CONSULTING SERVICES AND

COMMERCIAL INFORMATION TO THE ENERGY
INDUSTRY, IN CLASS 35 (U.S. CLS. 100, 101 AND
102).

FIRST USE 5-1-2001; IN COMMERCE 5-1-2001.

FOR: COMPUTER SERVICES, NAMELY COMPU-
TER PROGRAMMING FOR OTHERS IN THE EN-
ERGY INDUSTRY; ENGINEERING, TECHNICAL,
RESEARCH AND DEVELOPMENT CONSULTING
SERVICES TO THE ENERGY INDUSTRY, IN CLASS
42 (U.S. CLS. 100 AND 101).

FIRST USE 5-1-2001; IN COMMERCE 5-1-2001.

SER. NO. 78-189,704, FILED 11-27-2002.

JENNIFER KRISP, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

PYRO SCAN

Reg. No. 4,491,323

Registered Mar. 4, 2014

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

WINCO FIREWORKS INTERNATIONAL, L.L.C. (KANSAS CORPORATION)
5200 W. 94TH TERRACE, SUITE 114
PRAIRIE VILLAGE, KS 66207

FOR: BAR CODE SCANNERS FOR FIREWORKS THAT SHOW A VIDEO OF THE FIREWORK
DISPLAY WHEN THE PRODUCT IS SCANNED, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND
38).

FIRST USE 10-11-2013; IN COMMERCE 10-11-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SCAN", APART FROM THE
MARK AS SHOWN.

SN 76-713,313, FILED 1-29-2013.

GINA HAYES, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

Reg. No. 4,553,790 OWNER OF INTERNATIONAL REGISTRATION 1158260 DATED 3-21-2013, EXPIRES 3-21-2023.

THE COLOR(S) GREEN AND GRAY IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE FIGURATIVE ELEMENT IS GREEN, THE VERBAL ELEMENT IS SHOWN IN GRAY LETTERS.

SER. NO. 79-129,369, FILED 3-21-2013.

SHARON MEIER, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office



Reg. No. 4,606,392

Registered Sep. 16, 2014

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

SCAN, INC. (DELAWARE CORPORATION)
5162 W 220 S
OREM, UT 84058

FOR: COMPUTER SOFTWARE FOR SCANNING OR READING A CODE, NAMELY, A QUICK RESPONSE (QR) CODE, BAR CODE, AND RFID TAGS VIA A COMPUTER OR MOBILE DEVICE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 8-0-2011; IN COMMERCE 8-0-2011.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SCAN", APART FROM THE MARK AS SHOWN.

THE COLOR(S) RED AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WORDING "SCAN" IN WHITE TO THE RIGHTS OF A BROKEN WHITE SQUARE ON A RED TRIANGLE WITH ROUNDED CORNERS.

SN 85-880,689, FILED 3-20-2013.

JANET LEE, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office